

Jun 17, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRIN D. FOUNTAINE,

Defendant.

No. 2:21-CR-00064-SAB

**PROTECTIVE ORDER
REGARDING
IDENTIFICATION OF MINOR
VICTIMS**

Before the Court is the parties' Stipulation for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509. The parties stipulate that the discovery in this matter includes a bona fide identity and/or image of one or more alleged child victims.

Because minor children are involved in this case, the privacy protection measures required by the Child Victims' and Child Witnesses' Rights Act (the "Act"), 18 U.S.C. § 3509, apply in this case. The Act defines a "child" as "a person who is under the age of 18, who is or is alleged to be . . . a victim of a crime of physical abuse, sexual abuse, or exploitation . . . or a witness to a crime committed against another person." 18 U.S.C. § 3509(a)(2). The Act defines "sexual abuse" as including "the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in . . . sexually explicit conduct. 18 U.S.C. § 3509(a)(8).

**PROTECTIVE ORDER REGARDING IDENTIFICATION OF MINOR
VICTIMS ~ 1**

1 Good cause exists to enter the Protected Order Regarding Identification of
2 Minor Victims Pursuant to 18 U.S.C. § 3509 as requested by the parties.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulation for Protective Order Regarding Identification
5 of Minor Victims Pursuant to 18 U.S.C. § 3509, ECF No. 17, is accepted.

6 2. The Court enters the following Protective Order Regarding
7 Identification of Minor Victims Pursuant to 18 U.S.C. § 3509:

8 a. The privacy protection measures mandated by 18 U.S.C. §
9 3509(d), which apply when a case involves a person under the age
10 of eighteen years who is alleged to be a victim of a crime of sexual
11 exploitation, or a witness to a crime committed against another
12 person, apply to this case.

13 b. All persons acting in this case in a capacity described in 18 U.S.C.
14 § 3509(d)(1)(B), shall:

15 i. Keep all documents that disclose the names, identities, or
16 any other information concerning minors in a secure place to
17 which no person who does not have reason to know their
18 contents has access;

19 ii. Disclose such documents or the information in them that
20 concerns minors only to persons who, by reason of their
21 participation in the proceeding, have reason to know such
22 information;

23 iii. Not permit Defendant himself to review discovery outside
24 the presence of defense counsel or a defense investigator;

25 iv. Not permit Defendant to keep discovery in his own
26 possession outside the presence of defense counsel or a
27 defense investigator; and

28 v. Not permit Defendant to keep, copy, or record the identities

1 of any minor or victim identified in discovery in this case.

- 2 c. All papers to be filed in Court that disclose the names or any other
3 information identifying or concerning minors shall be filed under
4 seal without necessity of obtaining a Court order, and that the
5 person who makes the filing shall submit to the Clerk of the Court:
6 i. The complete paper to be kept under seal; and
7 ii. The paper with the portions of it that disclose the names or
8 other information identifying or concerning children
9 redacted, to be placed in the public record.
10 d. The parties and the witnesses shall not disclose minors' identities
11 during any proceedings connected with this case. The parties and
12 witnesses will refer to alleged minor victims only by using agreed-
13 upon initials or pseudonyms (e.g., "Minor Victim 1"), rather than
14 their bona fide names, in motions practice, opening statements,
15 during the presentation of evidence, in closing arguments, and
16 during sentencing.
17 e. The United States may produce discovery to the defense that
18 discloses the identity and images of alleged minor victims in this
19 case, in order to comply with the government's discovery
20 obligations. Defendant, the defense team, Defendant's attorneys
21 and investigators, and all of their externs, employees, and/or staff
22 members, shall keep this information confidential as set forth
23 above.
24 f. This ORDER shall apply to any attorneys who subsequently
25 become counsel of record, without the need to renew or alter the
26 ORDER.

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1 g. this ORDER shall apply to the personal identifying information
2 and images of any minors who are identified over the course of the
3 case, whether or not such minors are known to the government
4 and/or Defendant at the time the ORDER is entered by the Court.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
6 and forward copies to counsel.

7 **DATED** this 17th day of June 2021.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

13 Stanley A. Bastian
14 Chief United States District Judge
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